

REMARKS

The Final Office Action mailed September 30, 2005 and references cited therein have been reviewed.

THE SECTION 101 REJECTION

The Examiner maintained the rejection of claim 1, 3-8, 10-16, 18 and 20 under 35 U.S.C. §101 as claiming the same invention as defined in co-pending U.S. Application Serial No. 10/688,233. Applicant has considered the rejection by the Examiner and again requests that the rejection be withdrawn. Claim 1 includes method steps that specifically recite the limitation of a collimator. Claim 16 is a product claim that is directly limited to a collimator. The claims in U.S. Application Serial No. 10/688,233 are acknowledged by the Examiner as being directed to a micro-reactor and method for making a micro-reactor.

The Supreme Court and the Federal Circuit have consistently held that **all** limitations must be satisfied before there can be a finding of infringement. The rule is commonly known as the "all elements" rule. Since all the pending claims expressly recite a collimator, it is impossible that a non-collimator can infringe the claim presently pending the present application. Applicant requests reconsideration of the rejection under 35 U.S.C. §101.

THE SECTION 102 REJECTION

Claims 16-18 were rejected under 35 U.S.C. §102(b) as being anticipated by Pellegrino. Claim 16 requires the collimator to 1) be formed of a plurality of metal layers, 2) to have each of the metal layers connected together by a brazing metal, 3) have the brazing material be of a different composition and of a different melting temperature from the metal of the metal layers, and 4) have the metal layers include a metal selected from the group consisting of bismuth, cadmium, cobalt, erbium, hafnium, iridium, niobium, osmium, palladium, rhenium, rhodium, ruthenium, tantalum,

technetium, terbium, thallium, thulium and/or tungsten. Pellegrino does not disclose, teach or suggest that the metal layers include bismuth, cadmium, cobalt, erbium, hafnium, iridium, niobium, osmium, palladium, rhenium, rhodium, ruthenium, tantalum, technetium, terbium, thallium, thulium and/or tungsten. Pellegrino only discloses the metal layers as being formed of beryllium-copper alloy or brass. As such, Pellegrino does not disclose teach or suggest the composition of the metal layers defined in claim 16. For this reason alone, Pellegrino cannot anticipate or make obvious claim 16.

THE SECTION 103 REJECTION

Claims 19-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pellegrino in view of Norris. The Examiner asserted that Pellegrino discloses all the limitations of claim 16. As set forth above, Pellegrino is absent any teachings regarding the composition of the metal layers as defined in claim 16. The Examiner cited Norris in combination with Pellegrino to support an obviousness rejection of claims 19-27.

Norris discloses a method of diffusion brazing two or more titanium alloy layers together. Norris has nothing to do with brazing a plurality of thin metal sheets together. Norris merely discloses and teaches the connecting of a plate 16 to a honeycomb metal structure 12 by inserting a thin metal plate 14 between plate 16 and the honeycomb metal structure 12 that heating the structure until plate 14 melts to bond plate 16 to honeycomb metal structure 12.

As an initial matter, Norris does not disclose, teach or suggest a collimator. As such, it is not clear the basis for combining the teachings of Norris with Pellegrino, other than by using Applicant's own disclosure. Applicant resubmits that Norris cannot be properly combined with Pellegrino to support an obviousness rejection of any of the pending claims.

With regard to the specific teachings of Norris, Norris, like Pellegrino, does not disclose,

teach or suggest that the metal layers include bismuth, cadmium, cobalt, erbium, hafnium, iridium, niobium, osmium, palladium, rhenium, rhodium, ruthenium, tantalum, technetium, terbium, thallium, thulium and/or tungsten. Consequently, Norris alone or in combination with Pellegrino does not make obvious claim 16 or any of the claims dependent therefrom. Claim 24 is also not obvious for similar reasons.

Claims 22 and 27 require that the metal layers include tungsten. Neither Norris or Pellegrino disclose teach or suggest such a metal.

Claim 23 requires a plurality of metal layers having a certain thickness to be connected together. Norris discloses a honeycomb metal structure 12 having a thickness of at least 0.4 inch being connected to a plate 16 having a thickness of 0.04 inch. (See Examples I-VI). The thickness of these metal structures far exceeds the thickness limitation set forth in claim 23. As such, claim 23 and all the claims dependent therefrom are not obvious in view of Norris alone or in combination with Pellegrino.

Applicant submits that the pending claims are not obvious in view of the cited art of record.

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